

OCT 08 2020

at 3 o'clock and 30 min. P M
COMPLIANCE PLAN
SUPERIOR COURT

ORIGINAL

Hamada Suisan Co. Ltd., aka "Hamada Suisan Kabushiki Kaisha" (hereinafter "the company") has undertaken the following measures to prevent future shark finning:

EMPLOYMENT PRACTICES

1. The company has implemented new employment agreements emphasizing that shark finning, and the possession of shark fins, is prohibited. The company will vet all existing employment agreements to ensure that, going forward, all employment agreements expressly prohibit shark finning.
2. Employment agreements will set forth that there will be meaningful penalties, including but not limited to termination, if an employee is caught engaging in shark finning; failing to stop shark finning that they have the authority to prevent; or failing to report shark finning by others, and will make clear that crew and officer bonuses will only be paid if the employee complies with all laws, including the prohibition on shark finning.
3. All employees, including both officers and crewmembers, will be instructed on the prohibition on shark finning, will be reminded that shark finning is grounds for termination, and asked to confirm their commitment to preventing shark finning. The company shall maintain records confirming the identity of all employees who have been so instructed; the date of the instruction; and copies of the written instructional materials used, with translations into the native language of the officer or crewmember.
4. Officers shall inspect their vessels on a daily basis to look for signs of shark finning. The officer responsible for such inspections shall maintain a log recording the time of each inspection, and the findings.
5. Officers will be responsible for periodically reminding crewmembers of the prohibition on shark finning, on at least a weekly basis.
6. Aboard the vessel, the company will maintain at least 3 posters, each displayed in a common area accessible to all sailors, reminding the crew that "Shark Finning is Strictly Prohibited." Each vessel will be inspected by

company representatives before departure and upon return to ensure the posters are present. Records will be maintained of all such inspections.

7. To reduce incentives for the crew to engage in shark finning, the company will continue to pay the crew at rates that exceed the applicable wage scales published by the International Trade Federation.

FISHING OPERATIONS

8. If the company becomes aware of new but proven techniques to prevent or reduce shark bycatch that would be feasible to implement on its vessel, the company shall implement those techniques. To ensure compliance with the IATTC Resolution C-16-05 and Western & Central Pacific Fisheries Commission SC11-EB-WP-02 and SC12-EB-WP-06, the company will prohibit its fishing vessel(s) from setting "shark lines" ("Shark lines" are "individual lines attached to the float line or to the floats directly, and used to target sharks,") and will use synthetic lines, not "wire traces". (Synthetic lines are recommended in order to allow sharks to bite off the lines.) To ensure compliance, a company officer must inspect each vessel immediately prior to departure and make a written certification signed by the officer, that no shark lines or wire traces are onboard the vessel.
9. The company will prohibit the use of "Fish Aggregating Devices."
10. The company will require gear to be set with radio beacons to ensure that gear can be readily recovered. This reduces the chance of "ghost fishing," with wasteful losses of fish and shark.
11. Fishermen will be required, when sharks are caught incident to tuna fishing, to cut the branch line to allow the shark to escape prior to being hauled aboard. This policy shall be in the written materials provided to all crew members before each voyage, and Hamada Suisan shall maintain records showing that all crew members have received notice of this policy. During the pre-trip inspection (see 6 above) by the company officer of fishing gear on board, the officer will also make written certification signed by the officer that sufficient additional lines are on board to replace the anticipated cut lines and hooks.

OVERSIGHT& ENFORCEMENT

- 12.No opportunities will be provided to transport any shark fins off the vessel prior to return to Japan. Upon return to Japan, the company officials will inspect the vessel and personal affects to ensure that there are no shark fins on the vessel or in the crew's/Officers luggage, and will sign a certification of their findings, which the Company shall maintain.
- 13.Additionally, the company will request, at least two weeks prior to returning to port in Japan, an independent inspection of each vessel at the end of each trip by the Japan Fisheries Agency to verify compliance with all terms of this compliance plan.
- 14.A copy of this compliance plan will be posted on the company website (in English, Japanese, and Indonesian), and submitted to the Japan Fisheries Agency and to the WCPFC within 90 days of execution. However, this compliance plan does not need to be posted to the internet if the company does not maintain a website.
- 15.All fishing activities will be logged in accordance with Japanese fishing laws, including the regulations of the relevant regional fisheries management agencies.
- 16.The company will obey all laws and regulations applicable to its operations, including but not limited to the laws of Japan and the requirements of the IATTC/WCPFC.
- 17.The company will make an annual report to the Probation Officer, beginning one year after the date of sentencing, regarding its compliance with the foregoing plan, including copies of all the certifications and inspection logs described herein, in original form and also translated into English.
- 18.To assist in compliance, a checklist of requirements is attached to and incorporated into this agreement.

19. Approved forms of the certifications, log entries, and annual report are attached.
20. The annual report and certifications shall be sent to the following representatives of the United States and to the assigned probation officer at the United States Probation Office. Correspondence by email is permissible.

MARC A. WALLENSTEIN

Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
Email: Marc.Wallenstein@usdoj.gov

ELINOR COLBOURN

Senior Counsel for Wildlife Programs
Environmental Crimes Section
U.S. Department of Justice
Room 4.103, 4 CONN
150 M. Street, NE
Washington, DC 20002
Telephone: (202) 305-0205
E-Mail: elinor.colbourn@usdoj.gov

21. Correspondence to the company shall be addressed by email to:

Michael J. Nakano
Cox, Wootton, Lerner, Griffin & Hansen LLP
Tel: 808.744.7020 x16
Fax: 808.354.0427
841 Bishop Street, Suite 1099
Honolulu, HI 96813
mnakano@cwlfirm.com

Kyoshin Maru

Compliance Plan – Checklist

Starting now, the Company will:

What	Plan Ref. ¶
The company will vet all existing employment agreements to ensure that, going forward, all employment agreements expressly prohibit shark finning	¶ 1
Employment agreements will set forth that there will be penalties if an employee is caught engaging in shark finning; failing to stop shark finning that they have authority to prevent; or failing to report shark finning by others, and will make clear that crew and officer bonuses will only be paid if the employee complies with all laws, including the prohibition on shark finning	¶ 2
Develop <ul style="list-style-type: none"> Posters in Japanese and Indonesian Instructional Materials in Japanese and Indonesian 	See ¶ 6 ¶ 3

Within 90 days, the Company will:

Provide a copy of the compliance plan to the Japan Fisheries Agency	¶ 13
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Prior to each voyage, the Company will:

All employees, including both officers and crewmembers, will be instructed on the prohibition on shark finning, will be reminded that shark finning is grounds for termination, and asked to confirm their commitment to preventing shark finning.	¶ 3
Instruct officers and crew against the use of “fish aggregating devices”	See ¶ 9
Instruct officers and crew “when sharks are caught incident to tuna fishing, to cut the branch line to allow the shark to escape prior to being hauled aboard.”	See ¶ 10
shall maintain records <ul style="list-style-type: none"> confirming the identity of all employees who have been so instructed: the date of the instruction copies of the written instructional materials used, with translations into the native language of the officer or crewmember 	¶ 3
The company will maintain at least 3 posters , each displayed in a common area accessible to all sailors, reminding the crew that “Shark Finning is Strictly Prohibited.” [The poster should say that branch lines should be caught when possible. See ¶ 10.]	¶ 6
Each vessel will be inspected by company representatives before departure ... to ensure the posters are present.	¶ 6
The company will maintain a record of the inspection of the poster	¶ 6
a company officer must inspect each vessel immediately prior to departure [to ensure] that no shark lines or wire traces are onboard the vessel.	¶ 8
[the company officer shall] make a written certification signed by the officer, that no shark lines or wire traces are onboard the vessel	¶ 8
The company will [inspect the vessel to] ensure “radio beacons” are aboard to track gear.	¶ 9

Kyoshin Maru

Compliance Plan – Checklist

the officer will inspect the vessel to ensure] sufficient additional lines are on board to replace the anticipated cut lines and hooks.	¶ 10
the officer will also make written certification signed by the officer that sufficient additional lines are on board to replace the anticipated cut lines and hooks.	¶ 10

During each day of the voyage, the Company's officers will:

Officers shall inspect their vessels on a daily basis to look for signs of shark finning.	¶ 4
The officer responsible for such inspections shall maintain a log recording <ul style="list-style-type: none"> the time of each inspection, and the findings. 	¶ 4
[ensure] No opportunities will be provided to transport any shark fins off the vessel prior to return to Japan.	¶ 11
[ensure] All fishing activities will be logged in accordance with Japanese fishing laws, including the regulations of the relevant regional fisheries management agencies.	¶ 14
The company will obey all laws and regulations applicable to its operations, including but not limited to the laws of Japan and the requirements of the IATTC/WCPFC.	¶ 15

At least once a week during a voyage, the Company's officers will:

Officers will be responsible for periodically reminding crewmembers of the prohibition on shark finning, on at least a weekly basis.	¶ 5
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Two weeks prior to the completion of a voyage, the Company's officers will:

the company will request, at least two weeks prior to each landing, an independent inspection of each vessel at the end of each trip by the Japan Fisheries Agency to verify compliance with all terms of this compliance plan.	¶ 12
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At the completion of the voyage, the Company's officers will:

Each vessel will be inspected by company representatives ... upon return to ensure the [no shark finning] posters are present.	¶ 6
The company will maintain a record of the inspection of the poster.	¶ 6
Upon return to Japan, the company officials will inspect the vessel and personal affects to ensure that there are no shark fins on the vessel or in the crew's/officers' luggage	¶ 11

Each year, the Company's officers will submit a report to the probation officer.

HAMADA SUISAN – APPROVED FORMS

APPROVED FORM OF COMPANY PRE-VOYAGE CERTIFICATIONS

On _____ [date], I attended the _____ [vessel] before it departed on a fishing voyage. While aboard, I provided the following employees with instruction on HAMADA SUISAN's policies against shark finning:

1	Master	
2	Fishing Master	
3	Chief Engineer	
4	Officer	
5	Officer	
6	Bosun	
7	Engineer	
8	Engineer	
9	Deck hand	
10	Deck hand	
11	Deck hand	
12	Deck hand	
13	Deck hand	
14	Deck hand	
15	Deck hand	
16	Deck hand	
17	Deck hand	
18	Cook	
19	Cook	

As part of the instruction, I discussed each item in the attached "instructional material."

At the conclusion of the instruction, I asked each officer and member of the crew to affirm their commitment to this policy. Each officer and member of the crew gave their affirmation.

While aboard the vessel, I inspected the ship and confirmed:

- There were three posters on the vessel, in common spaces, indicating "no shark finning."
- There were no "shark lines" or wire traces onboard the vessel.
- There were radio beacons on the vessel for use with the long lines.
- There were sufficient additional lines on the vessel to replace anticipated cut lines and hooks.

Signed: _____ (Name)

APPROVED FORM OF INSTRUCTION MATERIALS

All officers and crew members should be aware of the following Company policies.

- Shark finning is prohibited. Shark finning is the killing of sharks for their fins and/or the retention of shark fins on board ship without the corresponding carcass. Many species of sharks are protected by law because they are endangered. The company policy is to protect sharks.
- There will be employment penalties, including termination, if an employee is caught engaging in shark finning; failing to stop shark finning that they have authority to prevent; or failing to report shark finning by others.
- Bonuses will only be paid if the employee complies with all laws, including the prohibition on shark finning.
- There will be three posters on the vessel explaining that Shark Finning Is Prohibited. These posters will be in the common spaces. The posters may not be removed.
- Fish Aggregating Devices will not be used.
- Lines will be set with Radio Beacons to avoid ghost fishing.
- No shark lines or wire traces are permitted aboard.
- If a shark is caught,
 - the crew shall attempt to cut the line to release the shark before it is brought aboard the vessel.
 - If a shark is brought aboard the vessel while alive, it should be returned to the water alive if it is safe to do so.
 - In no event shall a shark's fins be removed and retained on the vessel.
- The vessel will carry additional lines to replace those that are cut.
- Officers will inspect the ship daily to ensure there is no shark finning.
 - Officers will log their inspection (including the time and their findings) each day.
- There will not be any opportunities to transport shark fins off the vessel prior to returning to Japan.
- All fishing activities will be logged.
- The company, its officers, and the crew will abide by all applicable laws and regulations.
- Officers will remind the crew of these policies once a week.
- Two weeks before return to Japan, the Japan Fisheries Agency will be invited to inspect this ship.
- Upon return to port, the vessel will be inspected by the Company (and potentially the Japan Fisheries Agency) to ensure
 - that there was no shark finning
 - the posters are still present
 - that there are no shark fins in the luggage of officers or crew.

[This material must be translated into languages the officers and crew can read.]

APPROVED FORM OF RECORD OF DAILY INSPECTIONS.

"On _____ [date] at approximately _____ [time], I inspected the vessel for signs of shark finning.
No shark fins were found on the vessel."

Or

"On _____ [date] at approximately _____ [time], I inspected the vessel for signs of shark finning. I
found the following evidence of shark finning _____ and reported it immediately to the
master."

APPROVED FORM OF COMPANY POST-VOYAGE CERTIFICATIONS

On _____ [date], the Company notified the Japan Fisheries Agency that _____ [vessel] would be returning to _____ [port] on or about _____ [date of anticipated return.]. The Japan Fisheries Agency was invited to inspect the ship to confirm compliance with the Compliance Plan.

On _____ [date], the vessel arrived. Before any officers, crew, product, or packages were allowed off of the vessel, the company inspected to ship to ensure that there were no shark fins on the ship. As part of the inspection, the luggage of the officers and crew was inspected.

☐ No evidence of shark finning was discovered.

or

☐ The following evidence of shark finning was discovered _____ and the following action was taken: _____

The vessel was also inspected to ensure that the three "No Shark Finning" posters were still present in common spaces.

☐ The posters were present as required.

or

☐ The posters were not present and the following action was taken:

I also reviewed the vessel logs to ensure that all fishing operations were logged as required and that a record was made of all daily inspections for shark finning. The records were in good order with the following exceptions: _____ [enter "none" or an explanation of the problems discovered.]

Signed _____ [name]

APPROVED FORM OF ANNUAL REPORTS TO THE PROBATION OFFICER

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO.
)	
Plaintiff,)	DEFENDANT'S
)	ANNUAL PROBATION
vs.)	REPORT FOR THE PERIOD
)	____ TO ____
HAMADA SUISAN CO. LTD.,)	
aka "Hamada Suisan Kabushiki)	
Kaisha,")	
)	
Defendant.)	

This report is filed on behalf of Defendant HAMADA SUISAN CO. LTD., aka "Hamada Suisan Kabushiki Kaisha." Defendant is a Japanese tuna fishing company. On ____, the Defendant entered a plea of guilty and was sentenced pursuant to a plea agreement for violation of 16 USC 3372(a)(1) and 3373(d)(1) related to "shark finning." The plea agreement included a three-year period of probation, during which time the Defendant would execute a "compliance plan" to prevent future "shark finning." The compliance plan requires an "annual report," the form of which was previously agreed to between the government and the defendant, and includes the seven following certifications:

1. A copy of the “compliance plan” was provided to the Japanese Fisheries Agency on ____, which is within 90 days of the sentencing.
2. During this reporting period, the Defendant operated the following vessels:
 - a. Name: ____, IMO No. ____
 - b. Name: ____, IMO No. ____
 - c. [list all vessels]
3. During this annual reporting period, the vessel(s) made the following voyages:
 - a. Vessel ____, departed from ____ [port] on ____ [date] and returned [or is expected to return] to ____ [port] on date.
4. Prior to each fishing voyage, the Defendant inspected the vessel(s) and provided instruction to all officer and crew members as required by the compliance plan. Copies of the pre-voyage certifications and instructional materials are enclosed as **Exhibit 1**.
5. During each voyage, the vessel officers inspected the vessel or vessels daily to ensure that no shark finning was occurring. Further, during each voyage, at least once a week, the officers reminded the crew of the company’s policy against shark finning.
6. Two weeks prior to the completion of each voyage, the company notified the Japan Fisheries Agency of the vessel’s anticipated return to port. The Japan

Fisheries Agency was invited to inspect the vessel for compliance with the terms of the Compliance Plan.

7. At the completion of each voyage, the company attended the vessel to ensure that no shark finning took place and that the compliance plan was followed. A copy of the post-voyage certifications (if any) are enclosed as **Exhibit 2**.

Respectfully submitted,

President, Hamada Suisan

Date

Enclosures:

Exhibit (1) Pre-Voyage Certifications and Copies of Training Materials

Exhibit (2) Post-Voyage Certifications (if any).